

6743. Misbranding of onions. U. S. v. William T. Robinson and Forrest Robinson (W. T. Robinson & Son). Pleas of guilty. Each defendant fined \$300. (F. D. C. No. 11408. Sample Nos. 23484-F to 23486-F, incl., 56190-F.)

INFORMATION FILED: On May 10, 1944, in the District of Colorado, against William T. Robinson and Forrest Robinson, trading as W. T. Robinson & Son, Fowler, Colo.

ALLEGED SHIPMENT: On or about October 13, 14, and 15, 1943, from the State of Colorado into the States of Pennsylvania and New York.

LABEL, IN PART: (Portions of article) "Fultonet Yellow Onions * * * Radio-Pac Brand Shippers And Distributors Piowaty Fruit Co. Chicago, Ill.," or "Onions, C. M. Miller Co., Rocky Ford, Colo."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net," borne on the labels of all shipments of the article, was false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 23, 1944. Pleas of guilty having been entered, each defendant was fined \$75 on each of 4 counts.

6744. Misbranding of onions. U. S. v. Peter Rubey and Gottlieb Keck (Keck Produce Co.). Pleas of nolo contendere. Each defendant fined \$100. (F. D. C. No. 11405. Sample Nos. 36300-F, 57801-F.)

INFORMATION FILED: On May 15, 1944, in the District of Colorado, against Peter Rubey and Gottlieb Keck, trading as the Keck Produce Co., Rocky Ford, Colo.

ALLEGED SHIPMENT: On or about October 11, 1943, from the State of Colorado into the States of Illinois and Pennsylvania.

LABEL, IN PART: (Sacks) "Colorado Ruby Brand Onions 50 Lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs." was false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 23, 1944. Pleas of nolo contendere having been entered, each defendant was fined \$50 on each of 2 counts, a total fine of \$100 each.

6745. Misbranding of onions. U. S. v. 677 Sacks of Onions. Decree of condemnation. Product ordered released under bond to be resacked and relabeled, or re-marked. (F. D. C. No. 12979. Sample No. 28897-F, 60746-F.)

LIBEL FILED: July 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 29, 1944, by the A. Levy & J. Zentner Co., from Stockton, Calif.

PRODUCT: 677 sacks of onions at Jacksonville, Fla.

LABEL, IN PART: (Sacks) "Red Rooster California's Best 50 Lbs. Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net" was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the product was a food in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: July 19, 1944. The Winn & Lovett Grocery Co., Jacksonville, Fla., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be resacked and relabeled, or re-marked, under the supervision of the Food and Drug Administration. The onions were repacked to full weight.

6746. Misbranding of potatoes. U. S. v. Joseph A. Baumel and Herman J. Kurtz (Baumel and Kurtz). Pleas of nolo contendere. Each defendant fined \$200. (F. D. C. No. 11397. Sample Nos. 38183-F, 38506-F.)

INFORMATION FILED: On April 26, 1944, in the Southern District of California, against Joseph A. Baumel and Herman J. Kurtz, copartners trading as Baumel and Kurtz, at Shafter, Calif.

ALLEGED SHIPMENT: On or about June 19 and 22, 1943, from the State of California into the State of Illinois.

LABEL, IN PART: "U. S. No. 1 Circle Bar Brand California Potatoes * * * 100 Lbs. Net Weight."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "100 Lbs. Net Weight" was false and misleading since the sacks contained a smaller amount; and, Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: On May 22 and 25, 1944, Herman J. Kurtz and Joseph A. Baumel entered pleas of nolo contendere, and each defendant was fined \$200.

6747. Adulteration of canned spinach. U. S. v. 528 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12141. Sample No. 61160-F.)

LIBEL FILED: On or about April 10, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 16, 1943, by the Whiteside Cannery (for George F. Porbeck) from Van Buren, Ark.

PRODUCT: 528 cases, each containing 24 cans, of spinach at Baton Rouge, La.

LABEL, IN PART: "Mayfair Spinach * * * Distributed by Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6748. Adulteration of dehydrated spinach flakes. U. S. v. 431 Cartons of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12090. Sample No. 949-F, 950-F, 960-F.)

LIBEL FILED: March 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 18 and 22, and February 2, 1944, by the Evangeline Pepper & Food Products, from St. Martinville, La.

PRODUCT: 431 cartons, containing a total of 8,665 pounds, of dehydrated spinach flakes at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments, and was otherwise unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: May 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6749. Adulteration and misbranding of dehydrated spinach flakes. U. S. v. 36 Cases of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12001. Sample No. 59050-F.)

LIBEL FILED: March 13, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 1, 1943, by the P. D. Ridenour Co., from Chicago, Ill.

PRODUCT: 36 cases, each containing 24 1-ounce envelopes, of dehydrated spinach flakes at Weston, W. Va.

LABEL, IN PART: (Envelope) "De-Hydrated Tender Baby Spinach Flakes No Sand or Grit Little Major."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

Misbranding, Section 403 (a), the statement on the labeling, "No Sand or Grit," was false and misleading as applied to the article, which contained a considerable amount of sand.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

6750. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered sold. (F. D. C. No. 12021. Sample No. 62629-F.)

LIBEL FILED: March 14, 1944, Eastern District of Missouri; amended libel filed March 21, 1944, covering seizure of additional amount of the product.

ALLEGED SHIPMENT: On or about November 3, 1942, by Lansing B. Warner, Inc., from Chicago, Ill.

*See also No. 6725.